

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CV-80417-RAR

**LA POTENCIA, LLC and
YC52, LLC d/b/a CHANDLER BATS,**

Plaintiffs,

v.

DAVID CHANDLER, et al.,

Defendants.

/

**ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION AND
DENYING MOTION TO DISMISS, STAY, OR TRANSFER**

THIS CAUSE comes before the Court upon United States Magistrate Judge Maynard's Report and Recommendation, [ECF No. 53] ("Report"), filed on November 3, 2022. The Report recommends that the Court deny Defendants Pecos League of Professional Baseball Clubs, LLC and BestBatDeals.com's Motion to Dismiss, Stay, or Transfer, [ECF No. 24]. *See* Report at 1. The Report properly notified Plaintiffs of their right to object to Magistrate Judge Maynard's findings. *Id.* at 33. The time for objections has passed, and there are no objections to the Report. *See* Notices of Non-Objection [ECF Nos. 55, 56, 57, 58, 59].

When a magistrate judge's "disposition" has been properly objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). When no party has timely objected, however, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's note to 1983 addition (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress's intent was to only require a *de novo* review where objections have been properly filed, not when neither party objects. *See Thomas v. Arn*, 474 U.S. 140, 150

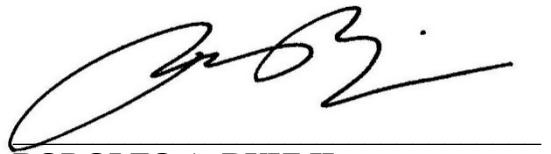
(1985) (“It does not appear that Congress intended to require district court review of a magistrate[] [judge]’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” (emphasis in original; alterations added)). In any event, the “[f]ailure to object to the magistrate [judge]’s factual findings after notice precludes a later attack on these findings.” *Lewis v. Smith*, 855 F.2d 736, 738 (11th Cir. 1988) (citing *Nettles v. Wainwright*, 677 F.2d 404, 410 (5th Cir. 1982)).

Because there are no objections to the Report, the Court did not conduct a *de novo* review. Rather, the Court reviewed the Report for clear error. Finding none, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report, [ECF No. 53], is **AFFIRMED AND ADOPTED**.
2. Plaintiff’s Motion, [ECF No. 24], is **DENIED**.

DONE AND ORDERED in Fort Lauderdale, Florida, this 5th day of December, 2022.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE